

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

VS.

Criminal Case No: 3:21-CR-107

GILBERT MCTHUNEL II, et al.

MOTION FOR JUDGMENT OF ACQUITTAL

COMES NOW, the Defendant, GILBERT MCTHUNEL II (“Mr. McThunel”),
motions the court for judgment of acquittal and would show as follows:

1. The Court erred in failing to sustain the Motion for Judgment of Acquittal pursuant to Fed.R.Crim.P. 29 at the close of the prosecution’s case in chief.
2. The verdict of the Jury was against the overwhelming weight of evidence in this case and the verdict evinced bias and prejudice against the Defendant.
3. The Defendant is entitled to a Judgment of Acquittal because of the failure of the prosecution to prove its case against the Defendant beyond a reasonable doubt and the evidence presented is insufficient to sustain his conviction.

WHEREFORE PREMISES CONSIDERED, the Defendant, Gilbert McThunel, II, respectfully requests a hearing and upon a hearing a Judgment of Acquittal.

RESPECTFULLY SUBMITTED, on this the 1st day of March, 2023

GILBERT MCTHUNEL, II, Defendant

BY: /s/ Paul Chiniche

Paul Chiniche (MSB#101582)
CHINICHE LAW FIRM, PLLC.
Post Office Box 1202
Oxford, Mississippi 38655
Tel: 662-234-4319
Email: pc@chinichelawfirm.com

CERTIFICATE OF SERVICE

I, PAUL CHINICHE, attorney for the Defendant, GILBERT MCTHUNEL, II, in the above and foregoing action, do hereby certify that I have electronically filed the above and foregoing with the Clerk of the United States District Court using the ECF system which sent notification of such filing to the following:

Robert Mims, AUSA
Email: robert.mims@usdoj.gov

Goodloe Lewis, Esq.
Email: glewis@hickmanlaw.com
(Counsel for Defendant Jamarr Smith)

William F. Travis, Esq.
Email: bill@southavenlaw.com
(Counsel for Defendant Thomas Iroko Ayodele)

SO CERTIFIED this the 1st day of March, 2023.

/s/ Paul Chiniche
PAUL CHINICHE